

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

ASIA JOHNSON,)
)
Plaintiff,) Civil Action No. 18-605
v.)
)
YOUNG MONEY,)
)
Defendant.)

MEMORANDUM OPINION

Plaintiff, Asia Johnson, *pro se*, filed an “Application to Proceed in District Court Without Prepaying Fees or Costs,” (ECF No. 1), with an attached complaint suing “Young Money.” According to the Civil Cover sheet filled out by plaintiff, she is suing Young Money for assault, libel, and slander, (ECF No. 3), but also indicates that the matter is in reference to stolen copyrighted work.¹ (ECF No. 1-3).

This court granted plaintiff leave to proceed *in forma pauperis* based on her showing of indigence. Gray v. Martinez, 352 F. App’x 656, 658 (3d Cir. 2009) (indicating that in “this Circuit, . . . if [the court] is convinced that [plaintiff] is unable to pay the court costs and filing fees, the court will grant leave to proceed *in forma pauperis* . . . [and] thereafter considers the separate question whether the complaint should be dismissed.”). Pursuant to 28 U.S.C. § 1915(e), prior to ordering service of the complaint without payment of the filing fee, however, the court must dismiss the case if it determines that the action is “frivolous or malicious,” 28

¹ Plaintiff filed a separate suit against Beyonce Knowles Carter at Civil Action No. 18-447 claiming copyright infringement.

U.S.C. § 1915(e)(2)(B)(i), or “fails to state a claim on which relief may be granted,” 28 U.S.C. § 1915(e)(2)(B)(ii). Roman v. Jeffes, 904 F.2d 192, 195 (“the appropriate time to make a decision to dismiss a case pursuant to § 1915 is before service of a complaint”).

The purpose of the *in forma pauperis* statute, 28 U.S.C. § 1915, is to assure equal and meaningful access to the courts for indigent litigants. Neitzke v. Williams, 490 U.S. 319, 324, 329 (1989). Congress also provided in the *in forma pauperis* statute for dismissal of complaints under certain circumstances in order to “prevent abusive or captious litigation” that could result because a plaintiff proceeding *in forma pauperis* does not have the economic incentive ordinarily created by otherwise required filing fees and costs to refrain from filing frivolous, malicious or repetitive lawsuits. Neitzke, 490 U.S. at 324.

A complaint filed pursuant to the *in forma pauperis* statute is subject to preservice dismissal under § 1915(e)(2)(B)(i)² where it is based upon indisputably meritless legal theory or factual assertions that are clearly baseless. Neitzke, 490 U.S. at 327. In determining whether the factual assertions are clearly baseless, and the complaint therefore is frivolous, the court may pierce the veil of the complaint and need not accept its allegations as true. Denton v. Hernandez, 504 U.S. 25, 33 (1992). Examples of baseless claims include “claims describing fantastic or delusional scenarios, claims with which federal district judges are all too familiar.” 490 U.S. at 328. Additionally, as provided for expressly by § 1915(e)(2)(ii), the court also must dismiss the complaint if it fails to state a claim on which relief can be granted, which is the same standard for dismissing a claim under Federal Rule of Civil Procedure 12(b)(6). Scheib v. Butcher, Civ. Act. No. 14-cv-1247, 2014 WL 4851902, at * 1 (W.D. Pa. Sept. 25, 2014).

² Section 1915(e)(2)(B) was formerly codified at § 1915(d).

The complaint asserts that it is brought pursuant to the court's diversity jurisdiction, 28 U.S.C. § 1332, and alleges that plaintiff is a citizen of Pennsylvania and defendant "Young Money" is a citizen of Texas,³ but does not provide any information with respect to the amount in controversy such that the court can determine if there is a good faith basis for asserting that the amount in controversy meets the jurisdictional threshold. The complaint in sum alleges that "Baby E from young money has been making music about me. Baby E and I used to date before his identity change his police uncle helped with he fake his death and I being harassed and Nicki Minaj keeps using my work Baby E (Victor Robinson) needs helps slaves to the label to harass me having people jump me and follow me." (ECF No. 3 at 4). With respect to relief, plaintiff indicates "I just want them to stop and let the truth be told. Stop helping people fake deaths and stop the 2 girls they picked to be my actors using artificial intelligence Kenneka Jenkins and BreeAnna Poindexter the industry is involved." (ECF No. 3 at 4). Attached to the complaint as an exhibit is a letter dated April 25, 2018 indicating that it is written on behalf of President Donald J. Trump presenting a certificate that plaintiff is included in the "Republican Presidential Honor Roll." (ECF No. 3-1).

Based upon review of the complaint, the court determines that the claims presented and relief sought by plaintiff are based on a fantastic or delusional factual scenario. Neitzke, 490 U.S. at 327-328. Ordinarily, a court must grant plaintiff the opportunity to amend, if amendment can cure the deficiencies in the complaint. Where, however, amendment cannot cure the deficiencies, such as where the complaint is frivolous under § 1915(e)(2)(B)(i), the court may dismiss the complaint with prejudice without leave to amend. Grayson v. Mayview State Hosp.,

³ Although plaintiff has indicated on the form complaint that "Young Money" is an individual, it may be that, but is by no means clear, plaintiff intends to refer to the record label "Young Money."

293 F.3d 103, 112-113 (3d Cir. 2002) (“[D]ismissals of frivolous claims do not require leave to amend.”). Based upon the court’s determination that the complaint is frivolous, it will dismiss the complaint without leave to amend.

An appropriate order follows.

Dated: May 16, 2018

By the court,

s/ Joy Flowers Conti
Joy Flowers Conti
Chief United States District Judge

cc: Asia Johnson
1807 West St., Apt. 2
Munhall, PA 15120